

Senator Stubbs called up his motion to reconsider the vote by which the resolution of Senator Rainey was lost. Resolution reconsidered and adopted.

Senator Stubbs introduced a bill to be entitled "An act to amend articles 559 and 561 of the Revised Civil Statutes, making them applicable to personal as well real estate." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to prohibit and punish smoking, and the use of fire, except for necessary purposes, on cars, vessels, and other places where cotton is loaded or stored." Referred to Judiciary Committee No. 1.

On motion of Senator Duncan, the Senate adjourned until 10 A. M. to-morrow.

THIRTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, February 19, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Burges, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Davenport, Senator Terrell was excused for the day.

On motion of Senator Ross, Senator Moore was excused, on account of sickness.

Senator Cooper presented a petition, signed by citizens of Polk county asking that the Legislature pass an act submitting to the people a constitutional amendment prohibiting the sale or manufacture of intoxicating liquors within her borders. Referred to Committee on Constitutional Amendments.

Senator Powers, chairman of the Free Conference Committee, appointed on the difference between the two houses on House bill No. 51, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Free Conference, appointed to confer upon House bill No. 51, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco and Bexar counties, conform the jurisdiction of the district and justices' courts of said counties to such change," have had the same under consideration, and find that on the fourth day of February, instant, the Senate made an amendment to said bill by adding the following counties to the original number contained in said bill, as follows: Add after the word "Bexar," wherever it occurs in the bill or caption, the words "and Bandera, Wharton, San Patricio, Live Oak, McMullen, Medina, Frio, Dimmitt, La Salle, Hidalgo, Starr, Zapata, Duvall and Burnet;" strike out the word "and," before the word "Bexar," wherever it occurs.

That on the fourteenth day of February, instant, the Senate made another amendment to said bill by adding the following counties to the original number contained therein, as follows: Amend by adding the counties of "Kimble, Nueces, Gillespie, Kendall, Austin, Uvalde."

That the House of Representatives, on the sixteenth day of February, instant, refused to concur in said amendments, whereupon your Committee of Free Conference was appointed.

Your committee, in considering the differences between the two houses on the said bill, do recommend that the Senate recede from so much of their amendments as include the counties of San Patricio, Live Oak and Austin, and that the counties of Wheeler and Oldham be added to the list of counties included in said bill, and that the caption of same be amended to conform thereto, and that the House of Representatives concur in these amendments.

Respectfully submitted,

S. POWERS, Chairman.
A. W. HOUSTON,
A. W. TERRELL,
Senate Committee.
J. J. FAULK, Chairman.
D. T. MARR,
SOLON STEWART,
House Committee.

On motion of Senator Houston the report was adopted.

Senator Stewart introduced a bill entitled "An act to provide for having the products of Texas represented at the World's Fair, to be holden in the city of New York, in the year A. D. 1883, and appropriate money therefor." Referred to Committee on State Affairs.

Also, a bill "to create the office of State Register, and to define the duties, powers and compensation of such office." Referred to the Committee on State Affairs.

Senator Hightower introduced a bill entitled "An act to amend article 358 of chapter 3 of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Lane moved to postpone the regular order of business, to take up Senate bill No. 102. Withdrawn.

First special order, Senate bill No. 108, entitled "An act to amend articles 344, 346 and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns," was taken up.

Senator Gooch offered the following amendment:

Sec. 2. The passage of this act shall not operate to affect the organization of any city or town already chartered by general or special charter, nor to require any new election of the officers of such chartered cities or towns.

Sec. 3. To render more certain the term of office of mayors of cities and towns of one thousand inhabitants and over, under the general charter law, it is declared that at the first election under the charter, the mayor shall be elected for one year; in all subsequent elections, he shall be elected for two years.

Amendment adopted and bill ordered engrossed.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 35, "An act to amend chapter 130 of the acts of 1879, entitled 'an act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers,'" and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Swain introduced a bill entitled "An act to authorize the Governor, State Treasurer and Superintendent of the penitentiary, to contract for conveying convicts from the counties where sentenced to the penitentiary. Referred to Committee on Penitentiaries.

Senator Lightfoot offered the following resolution:

Resolved, That the Committee on Public Printing be authorized and requested to examine into the printing and sale of the Texas Supreme Court and Court of Appeals Reports, and see if the same cannot be printed and sold for \$8.50 per volume, or at some other reasonable price; and if they deem it proper, to report a bill upon that subject.

Adopted, on motion of Senator Lane.

On motion of Senator Lane, the regular order of business was further postponed and Senate bill No. 102, "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," was taken up, read second time, with committee substitute, and substitute adopted.

On motion of Senator Houston, the bill was considered by subjects.

Senator Stubbs moved to amend, in Treasury Department, line 2, by inserting \$2000 instead of \$1500; and in line 4, insert \$1800 instead of \$1500, for both years.

On motion of Senator Lightfoot the question was divided.

Senator Houston moved the previous question on pending amendment. Motion seconded and main question ordered.

The first division of the amendment was then lost by the following vote:

YEAS—9.		
Buchanan of Grimes	Houston,	Rainey,
Burges,	Lightfoot,	Stubbs,
Burton,	Powers,	Swain.
NAYS—13.		
Cooper,	Homan,	Ross,
Davenport,	Lair,	Stewart,
Duncan,	Lane,	Weatherred,
Gooch,	Martin of Cooke,	Wynne.
Hightower,		
Second division lost by the following vote:		
YEAS—6.		
Burges.	Powers,	Stubbs,
Burton,	Stewart,	Swain.
NAYS—10.		
Cooper,	Houston,	Rainey,
Davenport,	Lair,	Ross,
Duncan,	Lane,	Stewart,
Gooch,	Lightfoot,	Weatherred,
Hightower,	Martin of Cooke,	Wynne.
Homan,		

A message was received from the House, announcing the passage of Senate bill No. 139, "An act to amend an act entitled 'an act to change and define the time of holding the terms of the district courts in the Fifth Judicial District in the State of Texas,' approved the twenty-third day of April, 1879."

Also, the adoption of the Senate concurrent resolution, "that the Senate and House of Representatives, on Monday, the twenty-first instant, at 12 o'clock M., do adjourn until Wednesday, the twenty-third instant, at 11 o'clock A. M., for the purpose of permitting the members of the Legislature, who wish to do so, to celebrate the twenty-second, which is a legal holiday, by accepting the invitation of the citizens and City Council of the city of San Antonio to visit said city.

(The President pro tem. in the chair.)

Senator Cooper offered the following amendment to the Treasury Department: Add after the word "book-keeper," in line 5, as follows: "To be paid one-half out of the university fund and one-half out of the proceeds of the sale of the common school lands." Lost.

Senator Lane offered the following amendment: After the last item amend by inserting "For iron railing for protection of the Treasurer's office, \$250." Adopted.

Senator Burges offered the following amendment: "In line 8 strike out '600' wherever it occurs, and insert '360' instead thereof." Withdrawn.

Senator Swain offered the following amendment: "Strike \$600 in line 8, page 4, and insert \$1000." Lost.

Senator Duncan offered the following amendment to the Comptroller's Department: "In line 2 strike out 2000, 2000 and insert 1500, 1500."

Senator Swain moved a call of the Senate. Call sustained.

Roll called. Absent: Senators Burges and Wynne.

The Sergeant-at-Arms was dispatched for the absentees.

Senator Homan offered the following amendment: "On page 6, Comptroller's Department, strike out line 4.

A quorum being present, Senator Duncan's amendment was lost by the following vote:

YEAS—10.		
Burton,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Duncan,	Lightfoot,	Wynne.
Hightower,		
NAYS—11.		
Buchanan of Grimes	Homan,	Ross,
Burges,	Lane,	Stewart,
Davenport,	Powers,	Tilson.
Gooch,	Rainey,	
NOT VOTING.		
Martin of Cooke.		

Senator Homan's amendment was adopted.

Senator Duncan offered the following amendment: In line 3, Comptroller's Department, strike out 1800, 1800 and insert 1500, 1500. Adopted.

Also, "strike out line 6, page 5, Comptroller's Department." Adopted by the following vote:

YEAS—12.		
Burges,	Hightower,	Martin of Cooke,
Burton,	Houston,	Ross,
Cooper,	Lair,	Swain,
Duncan,	Lightfoot,	Wynne.
NAYS—10.		
Buchanan of Grimes	Lane,	Stewart,
Davenport,	Powers,	Stubbs,
Gooch,	Rainey,	Weatherred.
Homan,		

Senator Martin of Cooke offered the following amendment: In line 7, page 5, strike out 1800, 1800 and insert 1500, 1500.

Senator Houston moved the previous question on pending amendment. Motion seconded and main question ordered.

Amendment adopted by the following vote:

YEAS—11.		
Cooper,	Houston,	Ross,
Duncan,	Lair,	Stewart,
Gooch,	Lightfoot,	Wynne.
Hightower,	Martin of Cooke,	
NAYS—10.		
Buchanan of Grimes	Lane,	Stubbs,
Burges,	Powers,	Swain,
Davenport,	Rainey,	Weatherred.
Homan,		

NOT VOTING.
Burton.

Senator Stewart moved to reconsider the vote on Senator Stubb's amendment.

Senator Houston raised the point of order that the amendment could not be reconsidered at this time, but a motion to reconsider could be entered. Point of order sustained, when Senator Stewart entered a motion to reconsider the vote on Senator Stubb's amendment to the Treasurer's Department.

Senator Wynne offered the following amendment: Amend by striking out 2000, 2000, in line 2, page 5, Comptroller's Department, and insert 1800, 1800. Adopted.

Senator Lightfoot offered the following amendment: Amend by striking out in Comptroller's department the following: In line 12, "seven additional tax clerks, 6300, 6300," and insert in lieu thereof, "two additional tax clerks, 2000, 2000."

Senator Buchanan of Grimes offered the following amendment to the amendment: Amend the amendment by striking out the word "two," before "clerks," and inserting the word "four," and strike out "2000" and insert "3600."

Senator Houston offered the following substitute for pending amendments and Comptroller's Department:

COMPTROLLER'S OFFICE.	
For salary of Comptroller.....	\$2,500
" chief clerk.....	1,500
" bookkeeper.....	1,500
" assistant bookkeeper.....	1,200
" chief tax clerk.....	1,500
" warrant clerk.....	1,500
" assistant warrant clerk.....	1,000
" delinquent tax clerk.....	1,350
" assistant tax clerk.....	1,000
For salary of additional clerks.....	24,000
wood.....	250
telegraphing, postage for correspondence and assessment rolls.....	2,500
contingent expenses and repairs on building.....	500
books, stationery and binding rolls.....	2,000
porter hire.....	480
Total.....	\$43,880

Senator Rainey moved to postpone bill till Monday next. Motion lost.

The vote was then taken on pending substitute.

No quorum voting, Senator Stewart moved a call of the Senate. Call sustained.

Roll called. Absent, Senator Burges.

Pending business went to the table.

On motion of Senator Ross, Senator Martin of Navarro was excused until Wednesday next on account of sickness in his family.

On motion of Senator Duncan, the call of the Senate was suspended.

Senator Rainey moved to adjourn till Monday morning at 9 o'clock. Lost

Senator Duncan, by leave, introduced a bill entitled "An act to provide for the employment of official stenographers in the district courts of the Second Judicial District of the State of Texas." Read by caption and referred to Judiciary Committee No. 1.

Senator Lane, chairman of the Committee on Finance, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 134, entitled "An act to provide for the issuance of manuscript bonds of the State, for the funds derived from the sale of lands belonging to the State University, the public free schools of the State, and of lands set apart to the several counties for school purpose, etc.," after careful examination of the same, instruct me to report the same back to the Senate, with the accompanying substitute, and recommend that such substitute do pass.

LANE, Chairman

Bill read first time.

On motion of Senator Lane, one hundred copies of the substitute were ordered printed.

Senator Stewart moved to adjourn until nine o'clock Monday morning. Lost.

Senator Stubbs moved to postpone the pending bill until Monday next. Ruled out of order, as the same motion had just been voted down.

Senator Buchanan of Grimes moved to adjourn until 9:30 A. M., Monday. Ruled out of order, as no business had intervened.

Senator Rainey moved to reconsider the vote by which the Senate refused to postpone the pending bill until Monday next. Adopted.

Senator Duncan moved a call of the Senate. Call sustained. Roll called. Absent, Senator Stewart.

Senator Burges moved that Senator Stewart be excused.

On motion of Senator Houston, the Senate adjourned until 3 o'clock P. M.

EVENING SESSION.

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called; quorum present.

Senator Houston moved to suspend the regular order, and take up unfinished business.

Senator Davenport raised the point of order, that no motion to suspend regular order could be entertained until after the morning call.

Pending the ruling of the President pro tem. on the the point of order, Senator Houston withdrew his motion.

Senator Davenport introduced a bill entitled "An act to restore to the county courts of Eastland, Stephen, Callahan and Taylor counties the criminal jurisdiction heretofore had and exercised by said courts, under the Constitution and general laws of the State, and to conform the jurisdiction

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tion of the district courts of said counties to such change." Referred to Judiciary Committee No. 1.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, February 19, 1881.

To the Honorable the Senate and House of Representatives in the Legislature assembled:

The Hon. J. H. McLeary, Attorney-General, and Judge George Clark, of the firm of Clark & Dwyer of Waco, the attorneys in the prosecution of suits in regard to the university lands, situated in McLennan and Hill counties, have had the matter under consideration, and have presented their conclusions as to the best mode of disposing of the subject in the shape of a bill drawn up by them, which I herewith submit, and ask for it favorable consideration and action by the Legislature.

Respectfully submitted,

O. M. ROBERTS, Governor.

On motion of Senator Houston, the message and accompanying bill were referred to Judiciary Committee No. 1.

Senate bill No. 1, "An act to amend article 3704, Revised Statutes of Texas," being special order, was taken up.

Senator Houston moved to postpone the pending bill and take up unfinished business. Adopted, and Senate bill No. 102 (general appropriation bill) taken up.

Senator Lane moved that Senators Stewart and Burges be excused for this evening.

Senator Buchanan of Grimes moved a call of the Senate. Call sustained. Roll called. Absent—Senators Burges, Martin of Cooke and Stewart.

On motion of Senator Duncan, the Senate adjourned until 9 o'clock Monday morning.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 21, 1881. }

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Philpott of Austin.

On motion of Senator Davenport, the reading of the journals of Saturday was dispensed with, and the same adopted.

Senator Davenport presented a petition of citizens of Coleman county, asking that the Legislature legalize the sale of certain town lots in the town of Coleman heretofore made, not in accordance with the law with reference to the sale of town lots belonging to counties. Referred to Judiciary Committee No. 1.

Senator Wynne presented a petition of 404 citizens of Rusk county, praying a constitutional amendment prohibiting the importation, manufacture and sale of ardent spirits in this State. Referred to Committee on Constitutional Amendments.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 21, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 191, entitled "An act to amend 'an act prescribing the times of holding the district courts in the First Judicial District, and regulating the return of process therein,'" have duly considered the same, and instruct me to report the same back to the Senate and recommend its passage.

WEATHERRED, Chairman.

Bill read first time.

Senator Wynne introduced a bill entitled "An act to amend articles 2394 and 2395 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879." Referred to Judiciary Committee No. 1.